

Town of Lancaster

TOWN PLANNING BOARD
21 Central Avenue
Lancaster, New York 14086

October 19, 2022

Planning Board Members:

Neil Connelly, Chairman
Rebecca Anderson
John Copas
Anthony Gorski
Joseph Keefe
Lawrence Korzeniewski
Michael Reinhold

Town Board Members:

Ronald Ruffino, Sr., Supervisor
Mark Burkard
Adam Dickman
Robert Leary
David Mazur

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Thomas Fowler, Jr.

Town Highway Superintendent:

John Pilato

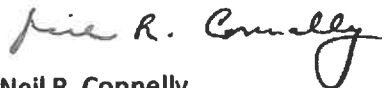
Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held October 19, 2022. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,



Neil R. Connelly
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster, NY, on the 19th day of October 2022 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
Rebecca Anderson, Member
John Copas, Member
Joseph Keefe, Member
Lawrence Korzeniewski, Member
Michael Reinhold, Member

EXCUSED: Anthony Gorski, Member
Councilman Dave Mazur

ABSENT: None

ALSO PRESENT: None

Town Board Members: None

Other Elected Officials: None

Town Staff:
Emily Orlando, Deputy Town Attorney
Ed Schiller of Wm. Schutt & Assoc.
Matt Fischione, Code Enforcement Officer
Cyndi Maciejewski, Secretary

Meeting called to order by Chair Connelly at 7:00p.m.

Pledge of Allegiance led by Chair Connelly.

Roll Call of Planning Board Members

Chairman Connelly-Present

Rebecca Anderson-Present

John Copas-Present

Anthony Gorski-Excused

Joseph Keefe-Present

Lawrence Korzeniewski-Present

Michael Reinhold-Present

A motion was made by Michael Reinhold to approve the minutes from the October 5, 2022 Planning Board Meeting. Motion seconded by John Copas.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

John Copas-Yes

Anthony Gorski-Excused

Joseph Keefe-Yes

Lawrence Korzeniewski-Yes

Michael Reinhold-Yes

Motion carried.

There are training opportunities available for board members. Make sure you have your required training in before year end.

The 2023 Planning Board Meeting Schedule will be reviewed at the 11/2/22 Planning Board meeting.

**TOWN OF LANCASTER PLANNING BOARD
COMMUNICATIONS FOR 10/19/22**

- 10.19.01 ZBA minutes form the 10/13/22 meeting.
- 10.19.02 Comments dated 10/06/22 from Leza Braun, legal assistant from the Town Attorney's Office, offering comments regarding the Planning Board meeting of 10/05/22.
- 10.19.03 Email dated 10/07/22 from Mike Metzger, representing the Carroll rezone application for 6130 Broadway, and responses from Leza Braun, legal assistant from the Town Attorney's Office.
- 10.19.04 Notice of legal requirements regarding a Special Meeting from Leza Braun, legal assistant from the Town Attorney's Office.

- 10.19.05 SEQR response dated 10/11/22 from the NYS DEC regarding the proposed Fieldstream Subdivision. Since there was no change in their previous comments, the letter from the DEC dated 8/05/20 was also included.
- 10.19.06 SEQR response dated 10/14/22 from the Erie County Department of Environment and Planning regarding the proposed Fieldstream Subdivision.
- 10.19.07 Memos dated 10/13/22 from Michelle Barbaro, Deputy Highway Superintendent, indicating no issues with the proposed Stony Rd. Subdivision nor the Angry Buffalo Amended Site Plan.
- 10.19.08 Notice of Public Hearings to be held 10/17/22 for the rezone petition at 6218 Broadway and the Special Use Permit for 00 Transit Rd.
- 10.19.09 Letter dated 10/04/22 from the Lancaster Police Department indicating no objection to the Amended Site Plan for the Angry Buffalo.
- 10.19.10 Letter dated 10/04/22 from the Lancaster Police Department voicing "concern with the historic roadway flooding and closures that occur regularly" as it relates to the proposed Stony Rd. Subdivision.

PRELIMINARY PLAT PLAN REVIEW – PROJECT #3773, 2 LOT SPLIT (WILKINSON) S.B.L. #94.00-3-34, LOCATED AT 10 LANCASTER PARKWAY. SPLIT EXISTING 4.13 ACRE PROPERTY (ZONED LIGHT INDUSTRIAL L-I) INTO 2 LOTS, EACH IN CONFORMANCE WITH ZONING REQUIREMENTS FOR LOTS WITHIN THE LI ZONING CLASSIFICATION.

Jeff Palumbo reviewed the 2 lot split which has two existing structures on the property and conforms with code. SEQR was coordinated on August 8, 2022 and the Public Hearing was held on September 7, 2022.

DETERMINATION

A motion was made by Chair Connelly to table the project to a future Planning Board meeting. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

John Copas-Yes

Anthony Gorski-Excused

Motion carried.

Joseph Keefe-Yes

Lawrence Korzeniewski-Yes

Michael Reinhold-Yes

SKETCH PLAN REVIEW – PROJECT #2103, S.B.L. #94.00-2-6.111, STONY ROAD SUBDIVISION, LOCATED AT 321 STONY ROAD. THE PROPOSED DEVELOPMENT CONSISTS OF 22 SINGLE FAMILY DWELLINGS ON 25 ACRES OF LAND.

Michael Metzger of Metzger Civil Engineers, Jack Domin, property owner and Mark Romanowski presented the Sketch Plan. Jack Domin has owned the property since the mid 80's and formerly owned Adam's Nursery which is on an adjacent parcel. The land is filled with wildlife and plants which includes approximately 500 trees that will be kept on site including blue spruce and white pine. The property is zoned Agricultural Residential and is zoned appropriately for the single family dwellings and all town codes and regulations are met. The lots extend into the State Wetlands which were recently delineated and there is a 100 year flood plain that affects 5 lots. There is an existing pond on the property and the storm water management compliance is being worked on with a pond in the rear. Public utilities are available to these lots and the roadway will be a public road.

Lots #1, 2, & 3 have very little usable yard due to the 100' buffer. Several more lots are in the flood plain. When Stony Road floods the water does not sit but flows which prohibits use of the roadway and the elevation of the subdivision road will determine if there is access to the homes. A second access to homes from the north needs to be made possible. Chief Karn submitted a letter with concerns regarding the flooding in that area and limited access. FEMA has done accurate mapping and a flood plain revision. Fill can not be put into the flood plain and there must be a 0 net increase. Encroaching into the buffer is natural thing for homeowners to do. The buffer is there for a reason and it is to protect the wetland.

Monuments and deed restrictions would be necessary. Ed Schiller, Town Engineer discussed a FEMA grant that would encompass a study and then implementation of storage.

He also noted the lack of a usable rear yard for lots #1 & 2.

Matt Fischione, Code Enforcement Officer, clarified that all roads, even private need to meet the minimum Town regulations.

Cul de sacs are allowed according to the town standards but it is unclear how the Highway Superintendent will look upon this one.

DETERMINATION

A motion was made by John Copas to table the project to a future Planning Board meeting. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-No

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

Motion carried.

CONCEPT PLAN – 5 @ 10 UNIT APARTMENT BUILDINGS AT THE NORTH WEST CORNER OF BROADWAY AND PAVEMENT.

Brian Young, and Joe Young of Young Development with Jonathan Barniak of Carmina Wood Design presented the plan for 5 buildings with 10 apartments in each for a total of 50 apartments which would be high end units costing \$1,800. - 2,600. monthly rent. There is senior housing to the north and would have 2 driveways for access. A garage would be available for each unit and an additional 61 open parking spaces for a total of 111 parking spaces. The property is properly zoned and there are one or two possible variances needed. This project is a duplicate to a newly completed project in the area of Transit and French in the Town of Cheektowaga. Access Management Overlay is in place and an access agreement should be considered.

No Action Taken.

DISCUSSION – RV CODE

A zoned approach was discussed over a blanket code. There is interest in having a committee formed to review this code and include comments from a public hearing. A few options could be proposed to residents with safety as the leading factor. Parking in the rear yard is a generic standard and density could determine the location of where vehicles would be parked. Chair Connelly will speak with Councilman Mazur regarding the formation of a committee which John Copas and Rebecca Anderson are interested in.

DISCUSSION – CHAPTER 140 REVISION, MODEL LOCAL LAW ESTABLISHING A LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAM

This is updated with the updating of the code. Adoption of the code will be completed this year. Technical information will be incorporated. Fee structure could be reviewed now and put on a yearly schedule.

A motion was made by Chair Connelly to recommend to the Town Board to proceed with a Public Hearing. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

Motion carried.

DISCUSSION – ADOPT UNIFIED SOLAR PERMIT

The Town is operating under this policy for roof top residential units. This lines up with the NYSERDA initiative.

A motion was made by John Copas to recommend to the Town Board the approval of the

adoption of the Unified Solar Permit. Motion seconded by Michael Reinhold.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

Motion carried.

DISCUSSION – LOCAL LAW AMENDING THE TOWN CODE RELATED TO CERTAIN ZONING APPROVALS UNDER §400 TO CLARIFY THE TIME FOR AN APPLICANT TO REQUEST AN APPROVAL EXTENSION.

Local Laws do need SEQR review. This local law is a time limit and policy change. The application goes to the Town Board and can be referred to the Planning Board.

A motion was made by Chair Connelly to recommend to the Town Board the approval of the approval extension. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

Motion carried.

DISCUSSION – LOCAL LAW ADDING SUBSECTION §400-38(H)(9) MODEL HOMES AND (H)(10) BUILDING PERMITS TO THE TOWN CODE OF THE TOWN OF LANCASTER.

This will authorize the Building Department to issue the permit. Model homes can be built during the installation of improvements to the subdivision. There is a typo in section 2F that needs to be corrected.

A motion was made by Rebecca Anderson to recommend to the Town Board the approval of the Model home permit. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

Motion carried

Other items:

Ed Schiller discussed the SEQR process and explained that the review of a SEQR can be left open. In a case where a Positive Declaration is possible, you can table until questions are answered and information is supplied.

Larry Korzeniewski made a motion to adjourn the meeting at 8:07 p.m. Seconded by John Copas. Motion carried.